

January 27, 2004—Open for Director's overview of Materials Research Science and Engineering Center and presentations.

January 27 & 28, 2004—Closed to review and evaluate progress of Materials Research Science and Engineering Center.

*Reason for Closing:* The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: January 6, 2004.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 04-433 Filed 1-8-04; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### NSF-NASA—Astronomy and Astrophysics Advisory Committee, #13883; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following NSF-NASA-Astronomy and Astrophysics Advisory Committee meeting (#13883):

*Date and Time:* February 5-6, 2004, 8 a.m.-5 p.m.

*Place:* National Aeronautics and Space Administration Headquarters, 300 E St., SW., Washington, DC 20024.

*Type of Meeting:* Open.

*Contact Person:* Dr. G. Wayne Van Citters, Director, Division of Astronomical Sciences, Suite 1045, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703-292-4908.

*Purpose of Meeting:* To provide advice and recommendations to the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the two agencies.

*Agenda:* To hear presentations of current programming by representatives from NSF and NASA; to discuss current and potential areas of cooperation between the two agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them.

Dated: January 6, 2004.

**Susanne E. Bolton,**

*Committee Management Officer.*

[FR Doc. 04-434 Filed 1-8-04; 8:45 am]

**BILLING CODE 7555-01-M**

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

*Summary of Proposal(s):*

(1) *Collection title:* RUIA Investigations and Continuing Entitlement.

(2) *Form(s) submitted:* UI-9, UI-23, UI-44, ID-4F, ID-4U, ID-4X, ID-4Y, ID-20-1, ID-20-2, ID-20-4, ID-5I, ID-5R(SUP), ID-49R, UI-48.

(3) *OMB Number:* 3220-0025.

(4) *Expiration date of current OMB clearance:* 02/29/2004.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households, business or other for-profit, non-profit institutions, State, local or tribal government.

(7) *Estimated annual number of respondents:* 7,905.

(8) *Total annual responses:* 7,905.

(9) *Total annual reporting hours:* 1,622.

(10) *Collection description:* The information collection has two purposes. When RRB records that railroad service and/or compensation is insufficient to qualify a claimant for unemployment or sickness benefits, the RRB obtains information needed to reconcile the compensation and/or service on record with that claimed by the employee. Other forms in the collection allow the RRB to determine whether unemployment or sickness benefits were properly obtained.

**FOR FURTHER INFORMATION CONTACT:** Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer at (312) 751-3363 or [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 or [Ronald.Hodapp@RRB.GOV](mailto:Ronald.Hodapp@RRB.GOV) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Charles Mierzwa,**

*Clearance Officer.*

[FR Doc. 04-397 Filed 1-8-04; 8:45 am]

**BILLING CODE 7905-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49012; File No. SR-CHX-2003-23]

### Self-Regulatory Organizations; Order Granting Accelerated Approval to Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Stock Exchange, Incorporated To Amend Article XX, Rule 37(a)(4) Relating to the Definition of Preopening Order

December 31, 2003.

On August 1, 2003, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend CHX Article XX, Rule 37(a)(4) to modify the definition of "preopening order" to provide that preopening orders for Nasdaq/NM securities must be received at or prior to 8:20 a.m. (CT), instead of the 8:25 (CT) deadline currently set forth in the rule. The Exchange submitted an amendment to the proposed rule change on November 6, 2003.<sup>3</sup>

The proposed rule change and Amendment No. 1 were published for comment in the **Federal Register** on December 8, 2003.<sup>4</sup> The Commission received no comments on the proposal and Amendment No. 1. This order grants accelerated approval to the Exchange's proposed rule change, as amended.

The CHX requested that the Commission grant accelerated approval to the proposed rule change, as amended, pursuant to Section 19(b)(2) of the Act.<sup>5</sup> After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and the regulations thereunder applicable to a national securities exchange.<sup>6</sup> Specifically, the Commission believes that the proposal is consistent with Section 6 of the Act

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See letter from Kathleen M. Boege, Associate General Counsel, CHX, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, Commission, dated November 4, 2003 ("Amendment No. 1").

<sup>4</sup> See Securities Exchange Act Release No. 48859 (December 1, 2003), 68 FR 68434. The 15-day comment period ran through December 23, 2003.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> In approving this proposed rule change, the Commission notes that it has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

in general,<sup>7</sup> and Section 6(b)(5) of the Act in particular,<sup>8</sup> in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. The Commission believes that an earlier deadline for preopening orders may operate to reduce the aggregate amount of preopening orders received by a CHX specialist and may thereby better enable the CHX specialist to manage his position and fulfill his specialist duties by giving him time to fully evaluate his position and to make a professional price assessment that would inform his executions once trading commences for the day. Furthermore, the Commission believes that an 8:20 (CT) deadline for CHX preopening orders may better enable CHX specialists to comply with SuperMontage rules and procedures governing the “trade or move” functionality.

The Commission finds good cause for approving the proposed rule change and Amendment No. 1 before the 30th day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that accelerated approval will allow the Exchange to immediately provide specialists with a greater ability to manage their risks.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act<sup>9</sup>, that the proposed rule change and Amendment No. 1 (SR-CHX-2003-23) be and hereby are approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>10</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 04-405 Filed 1-8-04; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49013; File No. SR-PCX-2003-62]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 by the Pacific Exchange, Inc. To Amend Its Rules Relating to Initial Listing Requirements for Securities Listed Under the Tier I and Tier II Designations

December 31, 2003.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 4, 2003, the Pacific Exchange, Inc. (“PCX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On December 17, 2003, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules relating to initial listing requirements for securities listed under the Tier I and Tier II designations. The text of the proposed rule change appears below. New text is in italics. Deleted text is in brackets.

#### Rule 5

##### Listings

\* \* \* \* \*

#### Designation of Tier I Securities Initial Listing Requirements

Common Stock—Select Market Companies

Rule 5.2(c). In the case of common stock, the following Basic or Alternate Listing Requirements must be met:

##### Basic Listing Requirements

(1)–(3)—No change.

(4) Pre-tax income *from continuing operations* of at least \$750,000 [and net income of at least \$400,000, excluding non-recurring and extraordinary items] in the last fiscal year or two of the last three fiscal years.

(5)—No change.

##### Alternate Listing Requirements

(1)–(5)—No change.

##### Commentary

.01–.03—No change.

(d)–(j)—No change.

#### Designation of Tier II Securities Initial Listing Requirements

Common Stock—Development Stage Companies

Rule 5.2(k). In the case of common stock, the following Basic or Alternate Listing Requirements must be met:

##### Basic Listing Requirements

(1)–(3)—No change.

(4) *Net income from continuing operations* [Demonstrated net earnings] of at least \$100,000 [after taxes, excluding nonrecurring income and extraordinary items] in the last fiscal year or in two of the last three fiscal years, or total net tangible assets of \$2,500,000.

(5)–(6)—No change.

##### Alternate Listing Requirements

(1)–(4)—No change.

##### Commentary:

.01–.03—No change.

\* \* \* \* \*

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange’s initial listing requirements for common stock under the Tier I and Tier II designations are set forth in PCXE Rules 5.2(c) and 5.2(k), respectively. In determining whether an issuer meets the applicable income requirements, each of the aforementioned rules provide for the exclusion of non-recurring and extraordinary items. The term “non-recurring” is not defined under

<sup>7</sup> 15 U.S.C. 78f.

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> 15 U.S.C. 78s(b)(2).

<sup>10</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> On December 17, 2003, the Exchange filed a Form 19b-4, which replaced the original filing in its entirety (“Amendment No. 1”).